

REMARKS

Claims 1-7 and 14-16 are pending. Claims 1 and 3 have been amended. No new matter is presented.

Claims 1-6 stand rejected under 35 USC 102(b) as being anticipated by Iwabuchi, Japanese Patent Publication No. 10-044524. Claim 7 stands rejected under 35 USC 103(a) as being unpatentable over Iwabuchi in view of Applicant's Background Prior Art. These rejections are respectfully traversed.

This rejection is respectfully traversed.

Claim 1 has been amended to clarify that the first and third image data are stored in a storage unit and that the image data of the larger of the two volumes is discarded from the storage unit thereby retaining in the storage unit only the image data of the smaller of said two volumes. Claim 3 has been amended in a similar manner to clarify that a storage unit stores the first image data and the second image data before the comparison by the comparator and that only the image data of the smaller of the two volumes is retained in the storage unit. Applicant submits that Iwabuchi fails to teach or suggest discarding the image data that is not the one selected for storing in the storage unit.

In the Advisory Action, the Examiner asserts that the incoming image data (first data) is input via IF 301, but that the smaller of the two image data files is stored in a memory 305. Since the incoming image data is not stored in the memory 305, that memory cannot be said to correspond to the claimed storage unit. In other words, Iwabuchi does not disclose or suggest that the compared image data files are stored in the same storage unit as the storage unit which stores the smaller of the two files after the comparison. Thus, Iwabuchi fails to teach or suggest the features of claims 1 or 3.

Claim 2 is allowable at least due to its dependency from claim 1. Claims 4-6 are allowable at least due to their dependency from claim 3. Claim 7 is allowable at least due to its

dependency from claim 3 and further in view of the failure of applicant's admitted prior art to overcome the deficiencies of Iwabuchi. Applicant requests that these rejections be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772014000.

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Respectfully submitted,

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